

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH VERNON DAVIS,	:
Petitioner	:
v.	: Case No. 3:22-cv-152-KRG-KAP
SCOTT KLINEFELTER, WARDEN,	:
S.C.I. HOUTZDALE,	:
Respondent	:

Memorandum Order

Petitioner's pleading styled as a "Notice of Intent to File a Preliminary Injunction and Temporary Restraining Order" and docketed as a motion at ECF no. 26 is denied. The civil rules expressly conform current civil procedure to prior procedure, and motions practice for preliminary injunctive relief has never been part of habeas corpus practice. *See* Fed.R.Civ.P. 81(a)(4)(B) (Federal Rules of Civil Procedure are applicable in habeas to the extent that they conform to prior practice). If it were authorized, the motion would be denied because petitioner cannot show a need for it in this case: my recommendation and his objections are pending and have been since February 2023.

If petitioner has a complaint about ongoing interference with his access to court the vehicle to litigate that in this court is a civil complaint filed in compliance with the filing fee and administrative exhaustion requirements of the Prison Litigation Reform Act.



DATE: June 5, 2023

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Keith A. Pesto,  
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

Keith V. Davis NF-9296  
S.C.I. Houtzdale  
P.O. Box 1000  
Houtzdale, PA 16698